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BEFORE THE
FEDERAL ELECTION COMMISSION

American Democracy Legal Fund,
455 Massachusetts Ave, NW
Washington, DC 20001

Complainant,

v.

Republican National Committee,

American Crossroads,

Crossroads GPS,

Americans for Prosperity,

GOP Data Trust LLC,

i360, LLC,

Matt Schultz
Schultz for Iowa
David Overholtzer Treasurer
2912 Woodland Ave
Truro, IA 50257,

et al.

Respondents.

RESPONDENT MATT SCHULTZ
SCHULTZ FOR IOWA
DAVID OVERHOLTZER, TREASURER
RESPONSE TO COMPLAINT

MUR 6888

COMES NOW, Respondent Matt Schultz, Schultz for Iowa and for his
Response to Complaint states the following:

FACTS

1. The copy of the Complaint numbered MUR 6888 was originally mailed by the Federal Election Commission to the wrong address at P.O. Box 999, Montross, VA 22520. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

2. Respondent Matt Schultz/Schultz for Iowa received the copy of the Complaint numbered MUR 6888 from the Federal Election Commission by US Mail on Saturday, November 29, 2014. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

2. On January, 2014 Matt Schultz formed the Committee Schultz for Iowa to seek the Republican nomination for the Third Congressional District in Iowa. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

3. During the campaign for said nomination Respondent Schultz for Iowa used and paid for services provided by i360, LLC to provide information and management software for the campaign's voter outreach program. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

4. At no time did any named Respondents in this complaint directly or indirectly endorse or support Matt Schultz/Schultz for Iowa. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

5. At no time did any named Respondents in this complaint directly or indirectly provide financial support to Matt Schultz/Schultz for Iowa. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

6. At no time did any of the named Respondents in this complaint make an independent expenditure in support of Matt Schultz/Schultz for Iowa. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

7. At no time did any of the named Respondents in this complaint make an independent expenditure against any of the opponents of Matt Schultz/Schultz for Iowa during the Republican primary for Iowa's Third Congressional District. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

8. Respondent Matt Schultz/Schultz for Iowa was unsuccessful in his bid for the Republican nomination for Iowa's Third Congressional District in June of 2014. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

9. David Young was the Republican nominee for Iowa's Third Congressional District and Staci Appel was the Democrat nominee for Iowa's Third Congressional District. (See EXHIBIT A - Sworn Affidavit of Matt Schultz)

10. In late August of 2014 Data Trust and i360 allegedly created a Data sharing partnership. (See Complaint, p.6)

ANALYSIS

In November the Federal Election Commission originally sent a copy of the Complaint numbered MUR 6888 to the wrong address at P.O. Box 999, Montross, VA 22520. (See EXHIBIT A - Sworn Affidavit of Matt Schultz). According to the cover letter sent by the Federal Elections Commission, said Respondent has fifteen days to Respond to said Complaint from the date the Respondent is in receipt of said letter.

The Respondent received the letter and Complaint on Saturday, November 29, 2014 and therefore has until December 13, 2014 to respond. (See EXHIBIT A - Sworn Affidavit of Matt Schultz).

Complainant, American Democracy Legal Fund, has filed a complaint alleging that Respondent, Schultz for Iowa, along with a long list of candidates and committees for federal office violated the Federal Election Campaign Act of 1971 by the "illegal 'coordinated communication' facilitated through the ongoing, real time exchange of non-public strategic campaign and party data with groups making purportedly 'independent' expenditures." (See - Supplemental Complaint, p. 5). In its Complaint, the American Democracy Legal Fund goes into detail alleging that Respondents i360, LLC and GOP Data Trust, LLC have become a "common vendor" between third party groups and Republican federal candidates and candidate committees and have therefore illegally coordinated.

American Democracy Legal Fund restates the Commission's regulations for an expenditure for a communication from a third party as an in-kind contribution to a candidate or campaign if it is "(1) paid for by an entity other than the party, candidate or candidate's campaign; (2) meets certain content standards, including by being a public communication that expressly advocates the election or defeat of a clearly identified candidate; and (3) meets certain conduct standards, including the payor and the candidate, the candidate's opponent, or a political party using a common vendor." (See Supplemental Complaint, p. 7; See Also 11 CFR Section 109.21(a), (c)(3), (d)(4)). The American Democracy Legal Fund then analyzes the "Common Vendor Standard" as

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found in 11 CFR Section 109.21(d)(4) and gives an example of two Republican US Senate campaigns where Americans For Prosperity made hundreds of thousands of dollars of "independent expenditures" opposing the Democrat candidates in said Senate races, while at the same time the two Republican candidates used i360, LLC an alleged "common vendor" between the Republican Senate candidates and Americans For Prosperity. (See Supplemental Complaint, p. 8).

In the specific case of the Respondent Matt Schultz/Schultz for Iowa, there is no need to discuss any further the "common vendor" standard and its application because said Respondent does not even meet the first prong of the test summarized by the American Democracy Legal Fund in 11 CFR Section 109.21. At no time did any of the named third party Respondents make any expenditure for a communication on behalf of or in support of Respondent Matt Schultz/Schultz for Iowa. (See Exhibit A - Sworn Affidavit of Matt Schultz). No third party Respondents made any expenditures or contributions of any kind in opposition to any of the primary opponents of Matt Schultz/Schultz for Iowa. (See id). Matt Schultz was unsuccessful in his bid for the Republican nomination for Iowa's Third Congressional District in June of 2014, almost two months prior to the announcement of the merger of GOP Data Trust and i360. (See id; See Also Complaint, p. 6).

It appears that the American Democracy Legal Fund filed complaints against any and all clients of i360 and GOP Data Trust and at least in the case of Matt Schultz/Schultz for Iowa failed to determine if any of the third party respondents that have been alleged as "common vendors" made any expenditure supporting Matt

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Schultz for Iowa or any expenditures in opposition to his primary opponents. This search can be easily performed at the Federal Elections Commission website. Had the American Democracy Legal Fund performed the simple search at the Federal Elections Commission website they would have known that none of the third party respondents that have been alleged as "common vendors" made any expenditure supporting Matt Schultz/Schultz for Iowa or in opposition to his primary opponents.

The result is made clear by the American Democracy Legal Fund's own example that the first prong requires a third party group who is using a "common vendor" to make an expenditure for communication on behalf of a candidate or in opposition to a candidate's opponent. There was no coordination between Matt Schultz/Schultz for Iowa and any third party Respondent, therefore this Complaint against Matt Schultz/Schultz for Iowa should be immediately dismissed with prejudice.

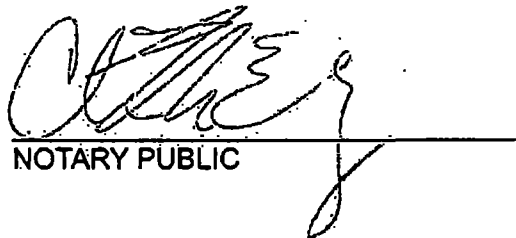
REQUESTED ACTION

WHEREFORE, the Respondent Matt Schultz/Schultz for Iowa respectfully requests the Federal Elections Commission to summarily DISMISS the American Democracy Legal Fund's Complaint against Matt Schultz/Schultz for Iowa and tax any and all costs against the Complainant.



RESPONDENT MATT SCHULTZ
SCHULTZ FOR IOWA
2912 Woodland Ave
Truro, IA 50257
votemattschultz@gmail.com
(515) 462-0043

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